



State of Washington  
**PUBLIC DISCLOSURE COMMISSION**

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9:30 a.m.  
February 22, 2007

**MINUTES – REGULAR MEETING**

Evergreen Plaza Bldg. Room 206  
711 Capitol Way South  
Olympia, Washington

**COMMISSION MEMBERS PRESENT**

Jane Noland, Chair  
Bill Brumsickle, Vice Chair  
Ken Schellberg, Secretary

Via Teleconference:  
Earl Tilly, Member

**STAFF PRESENT**

Vicki Rippie, Executive Director  
Doug Ellis, Assistant Director  
Michael Smith, Chief Technology Officer  
Nancy Krier, Sr. Asst. Attorney General  
Kami Madsen, Secretary

The special meeting of the Public Disclosure Commission was called to order by Commission Chair Jane Noland at 9:32 a.m. in the Evergreen Plaza Building, Room 206, Olympia, Washington.

**Commissioner Comments**

Commissioner Schellberg stated he appreciated all the hard work and experience Dan Springer brought to the agency in the IT arena and wished him good luck with his future endeavors.

**Citizen Comments/Concerns**

No citizen comments or concerns were expressed.

**Minutes**

**Motion 07-53**

Moved by Commissioner Brumsickle, seconded by Commissioner Schellberg:

**The Commission adopts the minutes of January 25, 2007 as written.**

The motion passed unanimously.

### Legislative Matters

Vicki Rippie noted that the agency's budget for the 2007-2009 biennium had been considered by the Appropriations Subcommittee on General Government and Audit Review and the subcommittee's recommendation removed an additional IT position that had been included in the Governor's budget request. Ms. Rippie also stated that there are several responsibilities this position would perform that are necessary to ensure optimal service to customers during the 2008 election.

Ms. Rippie noted that the gubernatorial appointments of Commissioners Brumsickle, Noland and Schellberg were confirmed by the State Senate on January 26, 2007.

Vicki Rippie reported on current legislation that would have an impact on Chapter 42.17 RCW or on the operation of the Public Disclosure Commission if passed into law.

Reorganization of Chapter 42.17 RCW:

- SHB1734 – Reorganizing Campaign Contribution and Disclosure Laws.

Lobbyist Reporting:

- HB 1006 – Feasibility Study for Electronic Filing of Disclosure Reports.

Public Financing:

- House Bill 1186 – Relating to Judicial Campaigns.
- Substitute Senate Bill 5226 Governor Request Legislation.
- House Bill 1589 – Funding of Judicial Election Campaigns.
- House Bill 1360 – Public Financing of State Office Campaigns.
- Senate Bill 5510 companion bill to HB1360.
- Senate Bill 5278 – Use of Public Funds for Local Office Campaigns.
- House 1551 – Allowing Public Funding for Local Office Campaigns.

Vicki Rippie reported that there has been significant activity on the bills relating to judicial campaigns and

staff has spent a number of hours providing technical assistance.

Other Campaign Finance or Reform Bills:

- House Bill 1018 – Time Limit for State Officials to Solicit or Accept Contributions.
- House Bill 1189 – Campaign Contributions by Limited Liability Companies.
- House Bill 1362 – Campaign Finance Reform.
- House Bill 1714 – Campaign Contribution Limits.
- House Bill 1831 – Modifying the Dates of the Election Cycle.
- House Bill 1832 Shortening the Statute of Limitations.

**Motion 07-54**

Moved by Commissioner Brumsickle, seconded by Commissioner Noland:

**The Commission supports the current statute of limitation for enforcement agencies and takes no position on possible changes with respect to citizen actions brought under RCW 42.17.400 (4).**

The motion passed unanimously.

- House Bill 2047 – Statewide Ballot Measure Committee Reporting Requirements.

**Motion 07-55**

Moved by Commissioner Tilly, seconded by Commissioner Brumsickle:

**The Commission supports the additional disclosure requirements imposed by House Bill 2047.**

The motion passed unanimously.

- House Bill 2079 and Senate Companion Bill 5921 – Use of Agency Shop Fees.

Personal Financial Affairs Statements (F1 Reports):

- Senate Bill 5759 – Executive State Officers.

**Motion 07-56**

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

**The Commission supports adding boards of trustees of technical colleges to the list of state officials who must file F-1 reports.**

The motion passed unanimously.

Student Newspapers:

- Substitute House Bill 1307 – Freedom of Student Press and Speech.

Elections:

- Senate Bill 5196 – Eliminating a primary election for nonpartisan offices in which only two candidates file for election.

Public Agency Operations:

- Substitute Senate Bill 5420 – Posting information on public agencies' websites.

Sole Source Contracts

Vicki Rippie discussed a draft letter to be cosigned by the Commission and State Auditor Brian Sonntag regarding sole source contracts that would require state and local jurisdictions to have a central point on their respective websites to list sole source contracts entered into by the jurisdiction or an agency within the jurisdiction.

**Motion 07-57**

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

**The Commission approves the draft sole source contract letter and directs staff to send it to the Governor and legislative leaders.**

The motion passed unanimously.

Commissioner Schellberg asked Doug Ellis to discuss the Pay-to-Play breakout session he attended at the COGEL conference.

Doug Ellis explained that several states are interested in developing a model law which would require persons who receive a state contract to disclose the contributions they have given during the preceding twelve months.

## Rule Making

### Reporting Modification Renewals

Vicki Rippie said the Commission had previously expressed interest in hearing renewals of reporting modifications at brief hearings if the requests were without change.

Ms. Rippie reported that RCW 42.17.370(10) is very clear. No renewal may be heard in a brief hearing if more than three years have elapsed since the initial request. Research performed by Kurt Young showed that 62% of persons requesting renewals would not be able to go to brief hearing because their requests were beyond three years of their initial modification requests. The Commission decided not to consider a rule authorizing the use of brief hearings for reporting modification requests.

- Repeal WAC 390-28-060 Hearing to modify reporting – Administrative law judge proceedings.

Ms. Rippie suggested that WAC 390-28-060 be repealed since this option had not been used in at least 20 years.

### **Motion 07-53**

Moved by Commissioner Brumsickle, seconded by Commissioner Noland:

**The Commission approves continuing the rule making process to repeal WAC 390-28-060.**

The motion died.

### **Motion 07-54**

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

**The Commission tables discussion of WAC 390-28-060 to the March meeting.**

The motion passed unanimously.

- Amend WAC 390-28-080 Hearing to modify reporting – Evidence, record, adverse decisions.

### **Motion 07-55**

Moved by Commissioner Tilly, seconded by Commissioner Brumsickle:

**The Commission tables discussion of WAC 390-28-080 to the March meeting.**

The motion passed unanimously.

Doug Ellis discussed a potential rule giving guidance to superior court candidates regarding their eligibility to receive and keep contributions when they receive certificates of election and their names do not appear on a primary and/or general election ballot.

**Motion 07-56**

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

**The Commission requests staff to draft a rule consistent with the staff presentation.**

The motion passed unanimously.

Reporting Modifications

Renewal (no change)

*David Wilson, School Director,  
Shoreline School District*

Kurt Young presented the renewal request with no change from David Wilson.

**Motion 07-57**

Moved by Commissioner Tilly, seconded by Commissioner Schellberg:

**The Commission grants David Wilson the requested reporting modification.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

Performance Reports

Lobbyist and Lobbyist Employer  
Audit Results

Kurt Young presented the results of 25 lobbyist employer and 38 lobbyist audits covering 2004 activity. Mr. Young noted the following were in full compliance:

Lobbyists:

- Steve Gano & Associates
- Timothy Boyd
- Jim Bricker
- Becky Bogard
- Robin Appleford
- Boldt/Thatcher

Lobbyist Employers:

- Basketball Club of Seattle, LLC
- Cendant Corporation
- International Brotherhood of Electrical Workers, Local 77
- Pemco Mutual Insurance Company
- Washington State Nurses Association

Executive Session

The Commission went into executive session at 1:15 p.m. to discuss pending and potential litigation with legal counsel.

Public Session

The Commission returned to public session at 1:52 p.m.

ORCA User Survey Results

Lori Anderson presented the results of the ORCA survey detailing usability of the new ORCA system in comparison to the WEDS system. The survey was sent to all users, with 270 WEDS users responding and 174 ORCA users responding to each survey. Overall, 91% preferred the new ORCA system.

Commissioner Brumsickle left the meeting at 2:12 p.m.

Staff Reports

Executive Director

Vicki Rippie reported on the status of the FY07 budget.

Assistant Director

Doug Ellis reported on the status of current compliance cases.

Mr. Ellis also noted that an award had been received by the agency from the Combined Fund Drive for the greatest percentage of participation increase among small state agencies in 2004.

Chief Technology Officer	Michael Smith reported that he is identifying critical IT expenditures that need to be made this fiscal year.
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Senior Assistant Attorney General	Nancy Krier had nothing to add to her written report.
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<u>Adjournment</u>	Chair Noland adjourned the meeting at 2:20 p.m. The next meeting is scheduled for Thursday, March 22, 2007.
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Approved by the Commission on 3/22/07.